

Application No. 10/817,555  
Docket No. 2001U004.US-CON  
Reply to Office Action Dated 07/14/2005

### Remarks

#### **Section 112, first paragraph, Rejection**

The Examiner rejected claims 1-13 and 15 under 35 U.S.C. § 112, first paragraph, as not being enabled; in particular, the “characterizing” phrase was objected to for this reason.

The Applicant amends Claim 1 by deleting the “characterizing” phrase and replacing it with the feature —wherein the poor incorporator is a polymerization catalyst which when run under process conditions wherein  $(\text{Ind})_2\text{ZrCl}_2$  would produce a  $0.920 \text{ g/cm}^3$  density polyethylene, produces a polymer with a density greater than  $0.920 \text{ g/cm}^3$ —. This is derived from the specification as filed at, for example, page 12, paragraph [0057]. No new matter is added.

The Applicant requests that this rejection be withdrawn.

#### **Section 102 Rejection**

The Examiner rejected Claims 1, 6-9, 11 and 13 under 35 U.S.C. § 102(e) as anticipated over *Follestad et al.* (WO 00/50466). The Applicant traverses.

Claim 1 is amended to include the feature —a density of from  $0.910$  to  $0.940 \text{ g/cm}^3$ —; this feature is derived from the specification as filed at, for example, page 29, paragraph [00121]. No new matter is added.

Claim 11 is cancelled without prejudice.

*Follestad* is directed to controlling bimodal polymer compositions produced in a single reactor comprising “feeding a catalyst composition having at least two catalytic sites from at least two different catalyst feeders”. To accomplish this, *Follestad* has disclose a very large genus of catalyst compounds that can be used, including Ziegler catalysts, chromium based catalysts and metallocene based catalysts. The only guidance

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to choosing catalysts, which is relevant here, is the statement at page 9, lines 23-31 of *Follestad*. Applicants contend, however, that this is only an invitation to experiment, not a disclosure that satisfies anticipation under 102(e).

The polymers that are produced from the *Follestad* process are high density, that is, typically greater than 0.942 g/cm<sup>3</sup> (See Tables of data). There is no disclosure of using two catalyst components as claimed in making a lower density polymer as is now claimed. Further, *Follestad* does not disclose in particular a species or sub-genus of catalysts that are poor comonomer incorporators. In fact, to achieve the high densities (presumably, polymers with low comonomer), it appears that only a small amount of 1-hexene (0.18 w%) was used as a comonomer in the working examples, not a "low comonomer incorporating catalyst component".

Thus, the Applicant requests that this rejection be withdrawn.

It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

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Respectfully submitted,

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